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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/681,384	10/09/2003	Takashi Kamijo	032009	6397

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EXAMINER

FINEMAN, LEE A

ART UNIT	PAPER NUMBER
2872	

DATE MAILED: 03/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/681,384

Applicant(s)

KAMIJO ET AL.

Examiner

Lee Fineman

Art Unit

2872

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/16/04, 4/6/04</u> | 6) <input checked="" type="checkbox"/> Other: <u>IDS 5/19/04, 11/17/04</u>             |

## DETAILED ACTION

### *Specification*

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### *Claim Objections*

2. Claim 3 is objected to because of the following informalities:

Claim 3 includes the limitation "wherein the birefringent material **shows** liquid crystalline at least in orientation processing step." It is unclear what is meant by "shows." Is it that the birefringent material is a liquid crystalline or does it show liquid crystalline properties?

Claim 6 and claim 8 include the limitations "in the  $\Delta n^1$  direction" and "in the  $\Delta n^2$  direction," which lack antecedent basis.

Claim 9 has the limitation "wherein an iodine light absorbing material." Is this material the same as detailed in claim 1? If so, the "an" should be --the--.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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4. Claims 1-9 and 11-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Ito et al., International Patent Publication WO01/55753A.

Regarding claims 1, 11, 12 and 13, Ito et al. disclose an optical film/image display/polarizer (figs. 1-5) comprising a film (fig. 1) having a structure having a minute domain (14) dispersed in a matrix (13) formed of a translucent water-soluble resin including an iodine light absorbing material (page 11, lines 1-13 and page 36, lines 1-15, for translation see US Patent Publication 2003/0137633 page 4, section [0066] and page 21, sections [0146]-[0150]).

Regarding claims 2- 4, Ito et al. further disclose wherein the minute domain is formed of an oriented birefringent material, which is liquid crystalline, with 0.02 or more of birefringence (page 12, line 26-page 13, line 4 and page 13, lines 21-29, for translation see US Patent Publication 2003/0137633 page 5, sections [0073] and [0078]).

Regarding claim 5, Ito et al. further disclose wherein in a refractive index difference between the birefringent material forming the minute domain and the translucent water-soluble resin in each optical axis direction, a refractive index difference ( $\Delta n^1$ ) in direction of axis showing a maximum is 0.3 or more, and a refractive index difference ( $\Delta n^2$ ) between the  $\Delta n^1$  direction and a direction of axes of two direction perpendicular to the  $\Delta n^1$  direction is 50% less of the  $\Delta n^1$  (Table 2).

Regarding claim 6, Ito et al. further disclose wherein an absorption axis of the iodine light absorbing material is oriented in the  $\Delta n^1$  direction (page 12, line 26-page 13 line 10, for translation see US Patent Publication 2003/0137633 page 5, sections [0073]-[0074], when  $n_1$  is the same as the refractive index of the optically isotropic continuous phase).

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Regarding claim 7, Ito et al. further disclose wherein the film is manufactured by stretching (page 36, lines 1-15, for translation see US Patent Publication 2003/0137633 page 21, sections [0146]-[0150]).

Regarding claim 8, Ito et al. further disclose wherein the minute domain has a length of 0.05 through 500  $\mu\text{m}$  in the  $\Delta n^2$  direction (page 13, lines 11-15, for translation see US Patent Publication 2003/0137633 page 5, section [0075]).

Regarding claim 9, Ito et al. further disclose wherein the iodine light absorbing material has an absorbing band at least in a band of 400 through 700 nm wavelength range (page 2, line 27-page 3, line 7, for translation see US Patent Publication 2003/0137633 page 1, section [0014]).

Regarding claim 11, Ito et al. further disclose wherein the polarizer is a polarizing plate (fig. 1) with a transparent protective layer (11) formed at least on one side of the polarizer.

### *Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over by Ito et al.

Ito et al. further disclose wherein a transmittance to a linearly polarized light in a transmission direction is 80% or more, a haze value of 5.3%, and a haze value to a linearly polarized light in an absorption direction is 30% or more (Table 3). Ito et al. disclose the claimed

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invention except for the haze value in a transmission direction being 5% or less. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the haze value 5% or less, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. One would have been motivated to make the haze value 5% or less for the purpose of providing a clearer image. In re Antonie, 559 F.2d 618, 195 USPQ 6 (CCPA 1977) See also In re Boesch, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

### *Conclusion*

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ito et al., U.S. Patent Publication No. 2003/0137633 is provided as an English translation for Ito et al., International Patent Publication WO01/55753A.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lee Fineman whose telephone number is (571) 272-2313. The examiner can normally be reached on Monday - Friday 7:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn can be reached on (571) 272-2312. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



LAF  
March 10, 2005

  
MARK A. ROBINSON  
PRIMARY EXAMINER